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PATENT APPLICATION

Docket No: 13447.9.2

PATENTS

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UNFAIR COMPETITION

LICENSING

COMPLEX LITIGATION



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application:
 Examiner: David A. Bonderer
 Art Unit: 3732

Mail Stop PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL FOR CONTINUATION PATENT APPLICATION

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 10/382,010, filed on March 5, 2002, of Daniel E. Gerbec, T. Wade Fallin, and Tom Faciszewski for ADJUSTABLE BONE FUSION IMPLANTS AND METHOD, (hereinafter "the Parent Application").

- Enclosed Application Elements and Accompanying Parts
- A specification, claims, abstract, and cover page in total comprising thirty-five (44) pages.
- Twenty-seven (27) sheets of drawings.
- A copy of the Combined Declaration and Power of Attorney as originally filed in the Parent Application and currently in effect.
- Entitlement to small entity status under 37 C.F.R. §§ 1.9 and 1.27.
 - A Declaration Claiming Small Entity Status is enclosed.
 - A Declaration Claiming Small Entity Status was filed in the Parent Application and such status is still proper and desired.

- The present application claims entitlement to Small Entity Status under 37 CFR §§ 1.9 and 1.27
- A Certificate of Mailing by "Express Mail" certifying a filing date for the enclosed application by use of Express Mail Label No. EL 981 993 516 US.
- A Preliminary Amendment.
- An Associate Power of Attorney.

B. Instructions and Averments

- Priority is claimed to United States Patent Application Serial No. 10/382,010 filed March 5, 2003, which is a continuation of Serial No. 10/121,630, filed April 12, 2002, Patent No. 6,562,074, issued May 13, 2003, which is a continuation-in-part to Serial No. 09/981,674, filed October 17, 2001 is claimed under 35 U.S.C. § 120.
- Priority to _____ (country) Application Serial No. _____ filed on _____ is claimed under 35 U.S.C. § 119.
- A certified copy of the above priority application is filed in prior application Serial No. _____, filed _____.
- The Parent Application is jointly assigned to Movdice Holding, Inc. and MedicineLodge, Inc. A copy of the related assignment is enclosed.

C. Payments

The filing fee has been calculated as shown below.

			SMALL ENTITY	LARGE ENTITY
FOR	NO. FILED	NO. EXTRA	RATE	Fee
BASIC FEE				\$375
TOT. CLAIMS	25-20=	5	X 9=	45
IND. CLAIMS	4-3=	2	X 42	42
MULTIPLE DEPENDENT CLAIM			+140=	+280=
			TOTAL	462
				TOTAL

- Form PTO-2038 submitting Credit Card Payment in the amount of \$462.00 covering the filing fee is enclosed.

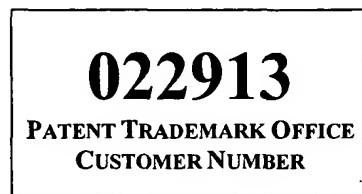
- Please debit Deposit Account No. 23-3178 in the amount of \$____ for the government filing fee.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- X Any additional filing fees required under 37 C.F.R. § 1.16.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.
- X Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- X A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 28th day of August 2003.

Respectfully submitted,


DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246



PATENT APPLICATION
Docket No. 13447.9.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

"Express Mail" Mailing Label No.: EL 981 993 516 US

Date of Deposit: August 28, 2003

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

- Patent Application in the names of Daniel E. Gerbec, T. Wade Fallin, and Tom Faciszewski for METHODS FOR ADJUSTABLE BONE FUSION IMPLANTS (44 pages)
- Drawings (27 sheets)
- Copy of Combined Declaration and Power of Attorney (5 pages)
- Copy of Assignments (7 pages)
- Transmittal Letter (3 pages) (in duplicate)
- Form PTO-2038 submitting Credit Card Payment in the amount of \$462.00
- Postcard

Dated this 28th day of August 2003.

Respectfully submitted,


DANA L. TANGREN
Attorney for Applicant
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